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   PUBLIC KEY PARTNERS

FILED

Nov 15 3 57 PM '95

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

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8   UNITED STATES DISTRICT COURT

9   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 ROGER SCHLAFLY,   )   No. CV 94 20512 SW (PVT)
)
12   Plaintiff,   )   DECLARATION OF THOMAS R.
)   HOGAN IN OPPOSITION TO
13 v.   )   PLAINTIFF'S MOTION FOR PARTIAL
)   SUMMARY JUDGMENT
14 PUBLIC KEY PARTNERS and   )
    RSA DATA SECURITY, INC.,   )
15   )   Date: December 6, 1995
           Defendants.   )   Time: 10:00 a.m.
16   )   The Honorable Spencer Williams

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18   I, Thomas R. Hogan, declare:

19   1.   I am an attorney duly licensed to practice law in all the courts of the State of

20 California, and in this District, and I am the counsel of record for defendant Public Key

21 Partners. I make this declaration based upon personal knowledge, information and belief, and I

22 am competent to so testify if called as a witness.

23   2.   On December 8, 1994, plaintiff Roger Schlafly ("Schlafly") filed an Amended

24 Complaint in this action, claiming, inter alia, invalidity of four patents, then licensed to Public

25 Key Partners ("PKP"). In or around September 1995, PKP was dissolved by order of an

26 arbitration panel, arising out of a dispute between the constituent partners. One result of the

27 arbitration decree was that the ownership of the patents, on which Schlafly claims invalidity,

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   DECLARATION OF THOMAS R. HOGAN
   IN OPPOSITION TO PLAINTIFF'S
   MOTION FOR PARTIAL SUMMARY
   JUDGMENT; CASE NO. CV 94 20512 SW (PVT)

1 was reverted to the original licensees: Caro-Kann Corporation ("CKC") and RSA Data

2 Security, Inc. ("RSA").   On October 5, 1995, Schlafly moved for summary judgment on those

3 same patents.

4   3.   In drafting its response to Schlafly's motion, it has become impossible for PKP's

5 original partners to agree on critical issues, especially with respect to the validity of the patents

6 in question. As RSA represents and defends its patents in these proceedings, CKC is required

7 to defend its patents. As a necessary consequence, PKP submits this Declaration to the court,

8 to which PKP attaches, as Exhibit A, the Opposition of CKC to Schlafly's Motion for Partial

9 Summary Judgment, and incorporates the same herein by reference.

10   I declare under penalty of perjury that the foregoing is true and correct.

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12 DATED: *November 15, 1995.*   _____
                                                            Thomas R. Hogan

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    DECLARATION OF THOMAS R. HOGAN
    IN OPPOSITION TO PLAINTIFF'S
    MOTION FOR PARTIAL SUMMARY
    JUDGMENT; CASE NO. CV 94 20512 SW (PVT)   2

1 PROOF OF SERVICE U.S. MAIL

2   I am employed in the County of Santa Clara, State of California. I am over the age of
3 18 and not a party to the within action. My business address is 60 South Market Street, Suite 1125, San Jose, California 95113.

4 On November 15, 1995, I served the foregoing documents described as:

5   **DECLARATION OF THOMAS R. HOGAN**
          IN OPPOSITION TO PLAINTIFF'S MOTION FOR
6   **PARTIAL SUMMARY JUDGMENT**

7 on the interested parties in this action addressed as follows:

8   **Roger Schlafly**
            Post Office Box 1680
9   **Soquel, California 95073**

10   **Thomas E. Moore, Esq.**
       Tomlinson, Zisko, Morosoli & Maser
11   **200 Page Mill Road, 2nd Floor**
         Palo Alto, California 94306

12

13 [X] BY MAIL

14   [ ]   I deposited such envelope in the mail at San Jose, California. The envelope was
mailed with postage thereon fully prepaid.

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16   [X]   As follows: I am "readily familiar" with the firm's practice of collection and
processing correspondence for mailing. Under that practice it would be deposited
with the U.S. postal service on that same day with postage thereon fully prepaid
17 at San Jose, California in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date
18 or postage meter date is more than one day after date of deposit for mailing in
affidavit.

19 Executed on November 15, 1995, at San Jose, California.

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[ ]   STATE: I declare under penalty of perjury under the laws of the State of California that
21 the above is true and correct.

22 [X]   FEDERAL: I declare that I am employed in the office of a member of the bar of this
Court at whose direction the service was made.
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24   LESLIE HOLMES

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